

REMARKS

The present invention is a method and a method of transmitting a packet as recited in claims 21-31 and an apparatus to communicate a packet as recited in claims 32-34. In accordance with the invention, first and second parts of a packet are identified followed by classifying one of the first part and the second part differently with the classification being based on data in a checksum coverage field of said packet and transmitting said different parts of said packet differently. The first and second parts may be respectively transmitted with different protection against loss during transmission. See page 4, lines 13-20, and page 9, lines 11-23, through page 11, lines 1-17, of the specification.

Claims 21, 25 and 32 stand rejected under 35 U.S.C. §102 as being anticipated by United States Patent 5,148,272. With respect to claims 21 and 32, the Examiner reasons as follows:

Regarding claims 21 and 32, Acampora et al. discloses an apparatus for breaking up blocks of data into high priority and low priority data. The signal of Acampora et al. is initially compressed in conformance with an MPEG like format, and thereafter, the signal codewords are parsed into two bit streams in accordance with the relative importance of the respective codeword types (identifying a first part of a packet and a second part of said packet). The bit streams of relatively greater and lesser importance are designated high priority and low priority channels respectively, where the different types of data are parsed onto the two channels (transmitting the different parts of the packet of said packet differently). See col. 2, line 64-col. 3, line 10, and col. 4, lines 46-50. To decide which data goes to which channel, Acampora et al. also discloses seeing if a particular check sum exceeds a partial sum to decide how the data should be transmitted—for example, after a particular partial sum exceeds a check sum, then codes of $CW\#j + 1$ to $CW\#n$ are assigned to the low priority channel (classifying one of said part and second part differently. based n data in a checksum coverage field of the packet). See col. 10, lines 31-48.

These grounds of rejection are traversed for the following reasons.

Claim 21 recites:

A method comprising:
identifying a first part of a packet and a second part of said packet;
classifying one of said first part and said second part differently, said classifying being based on data in a checksum coverage field of said packet; and
transmitting said different parts of said packet differently.

and

Claim 32 recites:

An apparatus to communicate a packet, said apparatus comprising:
structure to identify a first part of said packet and a second part of said packet based on a checksum coverage field of said packet; and
structure to transmit said first part of said packet across a radio access network using a first radio bearer and to transmit said second part of said packet across said radio access network using a second radio bearer.

Each of claims 21 and 32 recite in substance identifying a first part of a packet and a second part of a packet based on a checksum coverage field of said packet. It is therefore seen that the claimed checksum coverage field is specific with regard to the packet as, for example, exemplified by checksum coverage field 306 of Fig. 4.

The Examiner has apparently erroneously construed the scope of claims 21 and 32 which, as discussed above, recite classifying based on data in a checksum coverage field of said packet or structure to identify a first part of said packet and a second part of said packet based upon a checksum

coverage field of said packet. A person of ordinary skill in the art understands that a checksum coverage field is subject matter, such as that identified by reference numeral 306 in Fig. 4, which it is submitted has no counterpart in Acampora et al.

Specifically, Acampora et al discloses in Fig. 1 that a video compressor 10, as illustrated in detail in Fig. 3 in combination with a priority selector 11, as illustrated in Fig. 5, split the compressed video data into high priority (HP) and low priority (LP) channels. See column 4, lines 46-65, through column 5, lines 1-51. The video signal compressor of Fig. 3 outputs data with variable code lengths which is produced by the format block 111. See column 6, lines 58-68 through column 7, lines 1-3. As may be seen from the description therein, "VLC code words are applied to a formatter 111 which segments the data and appends header formation information thereto...[c]oded data 111 is then passed to the priority select apparatus" which has nothing to do with the claimed "checksum coverage field of said packet" since variable length codewords per se do not involve a checksum field in a packet.

Fig. 5 illustrates the utilization of two buffers A1 and A2, identified by reference numerals 150A and 150B respectively, which operate such that a sum of code words produced by the formatter 111 is determined by the analyzer "at which the data should be split between the HP and LP channels". Further, it is said that "[t]hen the code word at which the sum of bits is greater than the HP percentage is identified by a code word number CW#j."

It is seen that once the number of code words exceeding the quantity CW#j is exceeded, the corresponding data is passed to the HP channel.

Finally, the analyzer 152 is explained as providing at step 504 the total number of code word bits contained in the buffer and further, the total sum is multiplied by the decimal equivalent of the percentage to be allocated to the HP channel to produce a checksum at step 512.

A person of ordinary skill in the art understands that the checksum produced at step 512 is not the claimed "checksum coverage field of said packet" as recited in independent claims 21 and 32. In fact, the checksum referred to therein has nothing to do with a field in a single packet which is of course required since each of the claims recite "a checksum coverage field of said packet" meaning that only a single packet is involved. Therefore, it is submitted that claims 21 and 32 are not anticipated.

Moreover, there is no basis in the record why a person of ordinary skill in the art would be led to modify the teachings of Acampora et al to arrive at the subject matter of independent claims 21 and 32.

Claims 25 further limits claim 21 in reciting receiving said packet from a multimedia network. Claim 25 is patentable for the same reasons set forth above with respect to claim 21.

Claims 22, 23, 26, 27, 28, 29, 31, 33 and 34 stand rejected under 35 U.S.C. §103 as being unpatentable over Acampora et al. With respect to dependent claims 22, 23, 26, and 27 which further limit claim 21, it is noted that the Examiner has not provided any reasoning why it would be obvious to

a person of ordinary skill in the art to utilize a checksum coverage field of said packet as recited in independent claim 21. Dependent claims 29 and 31 further limit claim 28 in a manner which is not obvious for the reasons set forth above. Claim 34 further limits claim 32 in a manner which is not obvious for the reasons set forth above.

Claims 28 is patentable for the same reasons set forth above with respect to claim 21 in that claim 28 also recites "data in a checksum coverage field of said packet" which is not taught by Acampora et al and further, it would not be obvious to modify Acampora et al to use the claimed radio bearers.

Claims 24 and 30 stand rejected under 35 U.S.C. §102 as being unpatentable over Acampora et al in view of United States Patent 6,771,628 (Soderkvist et al). Claims 24 and 30 respectively limit claims 23 and 28 regarding channel coding. Soderkvist et al does not cure the deficiencies noted above with respect to Acampora et al.

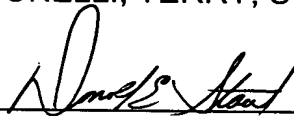
In summary, while Acampora et al do utilize the terminology "checksum" to track a number of variable length codewords, it should be noted that the independent claims recite a checksum coverage field in a single packet. The checksum of Acampora et al does not pertain to a checksum coverage field in a single packet as recited in the independent claims. Accordingly, it is submitted that the claims are not anticipated by teachings of Acampora et al. Moreover, there is no basis in the record why a person of ordinary skill in the art would be led to modify the teachings of

Acampora et al alone or in combination with Soderkvist et al to arrive at the claimed subject matter except by impermissible hindsight. Accordingly, it is submitted that each of the claims in the application is in condition for allowance.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing case no. 0172.40863X00).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in black ink, appearing to read 'Donald E. Stout', is written over a horizontal line.

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